S.B.CIVIL TRANSFER PETITION NO.4/2006

Smt. Kalpna
vs.
Praveen Kumar

DATE OF ORDER ::: 4.5.2006

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. Sandeep Shah, for the petitioner.
Mr. JVS Deora, for the respondent.

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Heard learned counsel for the parties.

The petitioner, wife of respondent, has moved this application for transfer of the Divorce Petition No.209/2005 filed by the respondent and which is pending in the District Judge, Bharatpur.

According to the petitioner, the marriage of the petitioner and respondent was solemnised in the year 1999 and the petitioner has two minor children. According to the petitioner, her husband left her at Udaipur after giving beating to the petitioner in the presence of her parents. There are very many allegations against the respondent and FIR was also lodged against the respondent at Udaipur and one petition under Section 125 CrPC is also pending at Udaipur. The distance between Bharatpur and Udaipur is said

to be about 600 kms. The petitioner's father is in service and posted at Udaipur. The petitioner cannot attend the court proceedings at Bharatpur.

Learned counsel for the respondent submits that the petitioner's house is at Bharatpur and the marriage took place at Bharatpur. The respondent was ill-treated at Udaipur and it is not safe for the respondent to go to Udaipur. It is also submitted that the petitioner's father's posting is temporary and the petitioner can still at Bharatpur and the petitioner's relatives are also residing at Bharatpur.

I have considered the rival submissions and perused the facts of the case.

In view of the facts mentioned in the transfer petition and the facts that two matters are already pending at Udaipur and the petitioner is young lady and having two children, therefore, it will be difficult for the petitioner to attend at Bharatpur. So far as grievance of the respondent that it is not safe for him to go to Udaipur, he may approach the concerned police station for protection till the divorce petition is decided at Udaipur.

In view of the above, this transfer petition is allowed, the Petition no.209/2005 (Praveen Kumar vs. Smt. Kalpna) filed by the respondent pending in the Court of District Judge, Bharatpur is hereby withdrawn and is transferred to the Family Court, Udaipur for deciding the

same in accordance with law.

Both the parties are directed to remain present in the Family Court, Udaipur on 22.5.2006. The Family Court, Udaipur is requested to decide the petition expeditiously without any delay and both the parties are directed to cooperate the Family Court, Udaipur.

(PRAKASH TATIA), J.

S.Phophaliya